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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 VILASINI GANESH and
17 GREGORY BELCHER,

18 Defendants.
19

CASE NO. CR 16-00211 LHK

GOVERNMENT'S PROPOSED VOIR DIRE

Pretrial Conference: October 4, 2017

Time: 11:00 a.m.

Judge: Hon. Lucy H. Koh

20 The government submits the following proposed voir dire questions, with the suggestion that the
21 Court address these questions to the jury pool, and permit counsel to do brief follow-up questioning as
22 appropriate. The government respectfully reserves its right to modify and supplement this list of
23 proposed voir dire questions if necessary based on pretrial developments.
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PROPOSED VOIR DIRE QUESTIONS

I. Practical Considerations

1. Would you have any difficulty serving as a juror on a trial that could last until approximately December 4? The trial will not be in session the weeks of October 30 or November 20, Thanksgiving week.
2. Are there circumstances currently in your life that may make it difficult for you to concentrate fairly on the issues in this case?
3. Do you have any difficulty understanding the English language? Do you have any difficulty reading the English language?
4. Do you have any hearing or eyesight problems that might make it difficult for you to follow along with the evidence in this case?

II. Knowledge of Defendants, Counsel, Witnesses, and Case

5. Do you know or have you heard of the Defendants Vilasini Ganesh and Gregory Belcher? What about their medical practice, Campbell Medical Group?
6. Do you know or have you heard of counsel in this case: Jeff Nedrow and Patrick Delahunty for the United States, Daniel Horowitz for Defendant Vilasini Ganesh, and Naomi Chung and Brendan Hickey for Defendant Gregory Belcher?
7. Do you know or are you familiar with any of the following individuals who may be witnesses in this case? [The Court is respectfully requested to read the parties' joint submission of names of witnesses and other individuals associated with the case.]
8. This case relates to Defendants' alleged conspiracy to commit health care fraud through the submission of false billing information to health care benefit programs, and their laundering of the proceeds of the health care fraud. Outside of the information you have received in connection with your jury service, does anyone think he or she might have knowledge regarding the facts of this case?
 - a. For example, has anyone read any news coverage regarding this case?

III. Attitude Toward Law Enforcement and Criminal Justice System

9. [If you like, you may approach sidebar to answer the following questions regarding involvement with law enforcement] Have you, any member of your immediate family, or any close friend ever had any contact with any law enforcement officer more significant than a routine traffic stop?
- a. If so, do you think the law enforcement officer acted professionally and fairly?
10. Do you believe that you or anyone you personally know has ever been falsely arrested or wrongly charged with a crime?
11. Have you, any member of your family, or any close friend ever worked in law enforcement or in the criminal justice system (e.g., police officer, prosecutor, probation officer, defense lawyer, defense investigator)?
- a. Is there anything about that experience or association that would cause you to lean in favor of either the Government or the Defendants in this case?
12. Would you automatically view a government agency witness as more credible or less credible than a witness who was not associated with a government agency, or are you able to assess each witness's credibility based on the evidence at trial?
13. Is anyone of the opinion that the criminal justice system is fundamentally unfair in some way?

IV. Attitude Toward Health Care System and Health Care Professionals

14. Have you or a close friend or family member worked as a health care professional, or in an office that provides health care services to patients?
15. Have you or a close friend or family member ever been involved with a dispute with a health care benefit program regarding coverage of benefits or payment of insurance?
- a. If so, what was the nature of the dispute?
- i. Did either you or the insurance company use a lawyer during the dispute?
- ii. If so, do you believe that the health care benefit program treated you or that other person fairly during that process?
- iii. If so, are you satisfied that the resolution of the dispute was fair?

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2 16. Have you or a close friend or family member had a negative interaction with a health care
3 benefit program?

4 17. The American health care system has rules regarding the submission of patient billing
5 information, which include a coding system and a framework for determining the
6 payments that health care benefit programs should make to health care providers for
7 treatment provided to patients. Does anyone believe that the health care system can, or
8 should, operate without any regulatory structure for designating the circumstances and
9 value of such payments to health care providers?

10 18. The defendants are charged in this case with making false statements in connection with
11 health care matters. Does anyone believe that making such false statements should not be
12 a crime?

13 19. Many of the alleged false statements at issue in this case arose in the context of false
14 statements to health care benefit programs. Accordingly, the trial will include testimony
15 from representatives of health care benefit programs. Does anyone feel have negative
16 feelings about health care benefit programs that are so strong that they cannot view
17 testimony from these witnesses fairly?

18 **V. Application of the Law / Punishment and Sympathy**

19 20. Do you understand that as a juror you must accept and apply the law as it is explained to
20 you by the Court, even if you believe the law is or should be different?

21 a. Do you have any difficulty with this concept that would prevent you from serving
22 as an impartial juror in this case, which involves false statements made to health
23 care benefit programs?

24 21. In a criminal case, the government has the burden of proving that each defendant is guilty
25 beyond a reasonable doubt. The law does not require the government to prove its case
26 beyond *all* doubt. Would any of you feel that the government should be required to
27 prove its case beyond *all* doubt before you would vote for a verdict of guilty?

28 22. The jury's role is to decide guilt; the jury does *not* determine the sentence. Do you

1 understand that you should not speculate about the possible punishment if either
2 defendant is found guilty? Will you be able to perform your duty to follow the law and
3 decide whether the defendants are guilty without regard to the possible consequences?

4 23. Do any of you have any moral, religious, philosophical, or political principles that make
5 you reluctant to serve on a jury in a criminal case? Would any of those principles make it
6 difficult or impossible for you to judge a fellow citizen?

7 a. Do any of you hold any principles that would cause you to refuse to vote to
8 convict a person regardless of whether you felt the evidence proved the
9 defendants are guilty beyond a reasonable doubt?

10 **VI. Concluding Questions**

11 24. After hearing what you have heard about this case, can you think of any reasons we have
12 not yet discussed that might prevent you from serving as a fair and impartial juror in this
13 case?

14 25. Is there any matter any juror would prefer to discuss privately with the Court?

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16 DATED: September 8, 2017

Respectfully submitted,

18 BRIAN J. STRETCH
United States Attorney

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20 /s/
JEFFREY D. NEDROW
21 PATRICK DELAHUNTY
22 Assistant United States Attorneys
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